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14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 David A. Hano,

17 Plaintiff,

18 v.

19 State of Nevada, ex rel Nevada
20 Department of Corrections, *et al.*,

21 Defendants.

Case No. 2:19-cv-02246-GMN-EJY

22 **OFFICE OF THE ATTORNEY
23 GENERAL OF THE STATE OF
24 NEVADA'S MOTION FOR
25 EXTENSION OF TIME TO FILE A
NOTICE OF ACCEPTANCE OF
SERVICE PURSUANT TO THIS
COURT'S ORDER (ECF NO. 23)**

26 Office of the Attorney General of the State of Nevada (the Attorney General's Office)
27 hereby files this Motion for Extension of Time to File a Notice of Acceptance of Service
28 Pursuant to this Court's Order (ECF No. 23).

29 **I. INTRODUCTION**

30 Plaintiff David Hano is an inmate in lawful custody of Nevada Department of
31 Corrections (NDOC) and currently housed at High Desert State Prison (HDSP). Hano has
32 submitted a § 1983 civil rights action against NDOC employees. On September 3, 2020,
33 this Court issued Screening Order on First Amended Complaint (Screening Order) (ECF
34 No. 23). In the Screening Order, this Court ordered the Attorney General's Office to file a
35 notice of acceptance of service within twenty-one (21) days of the date of the Screening
36 Order, on or before September 24, 2020. ECF No. 23 at 23:1-10.

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1 However, due to a calendaring error, the Attorney General's Office was unable to
2 make a determination as to whether the Attorney General's Office will be accepting service
3 on behalf of the newly added defendants in the First Amended Complaint (ECF No. 24). In
4 the interest of judicial efficiency, the Attorney General's Office respectfully requests that
5 this Court grant 14-day extension on the deadline for the Attorney General's Office to file
6 a notice of acceptance of service.

7 **II. APPLICABLE LAW**

8 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as
9 follows:

10 When an act may or must be done within a specified time, the
11 court may, for good cause, extend the time: (A) with or without
12 motion or notice if the court acts, or if a request is made, before
13 the original time or its extension expires; or (B) on motion made
14 after the time has expired if the party failed to act because of
15 excusable neglect.

16 Any request to change deadlines established in the scheduling order must be
17 supported by a showing of good cause pursuant to FED. R. CIV. P. 16(b)(4), which turns
18 primarily on a showing that the deadlines currently in place could not reasonably be met
19 despite the diligent of the movant. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604,
20 609 (9th Cir. 1992).

21 **III. ARGUMENT**

22 Due to an unforeseen calendaring error, The Attorney General's Office was unable
23 to make a determination as to whether the Attorney General's Office will be accepting
24 service on behalf of the newly added defendants in the First Amended Complaint (ECF No.
25 24). There is good cause to extend the deadline, because this Court's process for the
26 Attorney General's Office to accept service for named defendants is in the interest of
27 judicial efficiency. The process ensures that this Court does not expand unnecessary
28 judicial resources to served the defendants when the Attorney General's Office accepts
service on the defendants' behalf. Accordingly, the Attorney General's Office respectfully

1 requests that this Court grant an extension on the deadline for the Attorney General's
2 Office to accept service and file a notice to this Court regarding the same.

3 **IV. CONCLUSION**

4 For the foregoing reasons, the Attorney General's Office respectfully requests that
5 this Court grant a 14-day extension on the deadline for the Attorney General's Office to
6 accept service on behalf of the defendants named in the First Amended Complaint (ECF
7 No. 24) or file under seal their last known address. The new deadline would be October 8,
8 2020.

9 DATED this 24th day of September, 2020.

10 AARON D. FORD
11 Attorney General

12 By: /s/ Henry H. Kim
13 HENRY H. KIM (Bar No. 14390)
Deputy Attorney General
Attorneys for Defendants

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15 **IT IS HEREBY ORDERED that the Office of the**
16 **Attorney General of the State of Nevada's Motion for**
17 **Extension of Time to File a Notice of Acceptance of**
18 **Service Pursuant to this Court's Order (ECF No. 26) is**
19 **GRANTED.**

20 **IT IS FURTHER ORDERED that the Attorney General's**
21 **Office shall have through October 8, 2020 to respond**
22 **to the Court's September 3, 2020 Order (ECF No. 23).**

23 
UNITED STATES MAGISTRATE JUDGE

24 Dated: September 25, 2020